

## REMARKS

### Summary of the Office Action

Claims 10-11 and 13-18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1, 2, 4-6, 8-11, 13-15 and 17-21 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Yoritsugu et al.* (JP 10-126614 A).

Claims 7 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Yoritsugu et al.* in view of *Nakai et al.* (U.S. Patent No. 5,539,523).

### Summary of the Response to the Office Action

Applicants have amended claims 1 and 10 and added new claims 22-24 to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Further, Applicants have amended claim 1, 2, 4-11, 14-15 and 18-20 to improve their form and to address the rejection under 35 U.S.C. § 112, second paragraph. Accordingly, claims 1, 2, 4-11 and 13-24 are pending in this application for further consideration.

Applicants have provided a description of the substance of the interview below.

### Substance of the Interview

Applicants thank the Examiner for the courtesies extended to Applicants' representative during the telephone interview of June 29, 2005. During the telephone interview, Applicants' representative and Examiner Patrick L. Edwards discussed Applicants' proposed amendments to the claims and the applicability of the teachings in *Yoritsugu et al.*

Specifically, as indicated in the Interview Summary, the Examiner agreed that Applicants' proposed amendments would overcome the rejection of claims 10-11 and 13-18 stand rejected under 35 U.S.C. § 112, second paragraph.

With regard to the rejection of claims 1, 2, 4-6, 8-11, 13-15 and 17-21 under 35 U.S.C. § 102(b), the Examiner alleged that the newly-added limitations of "wherein said one or more characteristic quantities include pixel information representing the predetermined pattern of said object image" in each of claims 1 and 10 are still too broad to overcome *Yoritsugu et al.* For example, the Examiner pointed out that FIG. 6 of *Yoritsugu et al.* teaches or suggests the newly-added limitations by showing a circle P1 corresponding to the claimed "characteristic quantities" and a star pattern P2 corresponding to the claimed "predetermined pattern."

In light of the Examiner's assertions in the telephone interview, Applicants have further amended the claims and presented newly-added arguments as set forth below.

#### **Rejection under 35 U.S.C. § 112, second paragraph**

Claims 10-11 and 13-18 stand under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicants have amended independent claim 10 in accordance with the Examiner's comments set forth at Page 2, Section 4 of the Office Action. Applicants respectfully submit that independent claim 10, as newly-amended, fully comply with the requirements of 35 U.S.C.

§ 112, second paragraph, and hence its dependent claims 11 and 13-18. Accordingly, Applicants respectfully request that the rejection of claims 10, 11 and 13-18 under 35 U.S.C. § 112, second paragraph, be withdrawn.

**Rejections under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 1, 2, 4-6, 8-11, 13-15 and 17-21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Yoritsugu et al.*, and claims 7 and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yoritsugu et al.* in view of *Nakai et al.*. To the extent that these rejections might still apply to the newly amended claims, they are respectfully traversed as being based upon a reference or a combination of references that neither teach nor suggest the novel combination of features now clearly recited in the claims.

With regard to independent claim 1, as newly-amended, Applicants respectfully submit that *Yoritsugu et al.* does not teach or suggest the claimed combination, including at least a recited feature of “characteristic quantity computing unit that computes a plurality of characteristic quantities of said object image.”

The Office Action appears to allege that *Yoritsugu et al.* discloses each and every feature of independent claims 1 and 10 by citing to the disclosure in paragraphs [0047]-[0049] and illustration in Fig. 12. Further, during the telephone interview, the Examiner allegedly suggests a circle P1 in FIG. 6 of *Yoritsugu et al.* as the claimed “characteristic quantities.” Applicants respectfully disagree.

In contrast to the present invention of newly-amended claim 1, in *Yoritsugu et al.*, only the circle P1 corresponds to a characteristic quantity that is an object to be computed. *Yoritsugu*

*et al.* neither teaches nor suggests computing a plurality of characteristic quantity of an object image. In other words, Applicants respectfully submit that *Yoritsugu et al.* fails to teach or suggest at least the feature of “characteristic quantity computing unit that computes a plurality of characteristic quantities of said object image,” as recited by newly-amended independent claim 1.

For similar reasons as those set forth above, Applicants respectfully submit that *Yoritsugu et al.* also fails to teach or suggest at least a feature of “computing a plurality of characteristic quantities of said object image,” as recited by newly-amended independent claim 10.

In addition, the Office Action does not rely upon *Nakai et al.* to cure any aspect of the above-noted deficiencies of *Yoritsugu et al.* That is, *Nakai et al.* also fails to teach or suggest at least the above-mentioned feature in newly-amended claims 1 and 10.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because the applied references do not teach or suggest each feature of newly-amended independent claims 1 and 10. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Similarly, MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicants respectfully assert that the rejections of dependent claims 2, 4-9, 11 and

13-21 should also be withdrawn at least because of their respective dependencies upon independent claims 1 and 10, and the reasons set forth above.

**New Claims 22-24**

Applicants have added new claims 22-24 to further define the invention. Applicants respectfully submit that new claims 22-24 are allowable over the prior art of record based on the reasons set forth above.

With no other rejection pending, Applicants respectfully submit that claims 1-2, 4-11, and 13-24 are in condition for allowance.

**CONCLUSION**

In view of the foregoing, Applicants earnestly solicit the issuance of a Notice of Allowability. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under

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37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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